

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 18 Jan. 08

ELISSA BECKER,

Plaintiff,

**STIPULATION AND ORDER
OF DISMISSAL WITH
PREJUDICE**

-VS-

EBER BROS. WINE & LIQUOR CORPORATION
and EBER-NDC, LLC,

07 CIV 4022 (RMB)

Defendants.

WHEREAS, plaintiff Elissa Becker filed a complaint on May 22, 2007 seeking damages arising out of an employment agreement; and

WHEREAS, the parties are interested in resolving the issues alleged in the complaint in this action, and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties hereto have entered into a Settlement Agreement (the "Agreement") providing for, among other things, the submission to the Court this Stipulation of Dismissal with prejudice; and

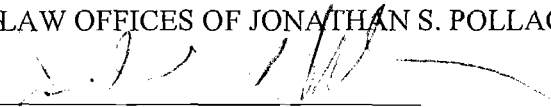
WHEREAS, the parties in the above-captioned action wish to discontinue the litigation;

NOW THEREFORE, it is hereby stipulated and agreed by and between the undersigned counsel that (1) all of the claims that were or could have been asserted by plaintiff Elissa Becker ("Ms. Becker") against defendants Eber Bros. Wine & Liquor Corporation and Eber-NDC, LLC (collectively "Eber"), are hereby dismissed with prejudice and without costs as to either party as


against the other; and (2) the Court shall retain jurisdiction over this action to enforce the Agreement.

Dated: Rochester, New York
December 31, 2007

LAW OFFICES OF JONATHAN S. POLLACK


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SO ORDERED:



HON. RICHARD M. BERMAN
U.S.D.J.

1/18/08

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